Cases 1 22 Pcv 90565-LJV Document 1 Filed 07/21/22 Page 1 of 9 22. cv.565 1

JUL 2 1 2022

Revised 03/06 WDNY

C. LOEWENGUTH CLERUNITED STATES DISTRICT COURT RN DISTRICT OF WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT (Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

	Tonya	Mcdi			
		-VS	; -		
B. Fu	all Name(s) of Defendant(s) I hay not consider a claim against	NOTE: Pursuant to Fed anyone not identified in	d.R.Civ.P. 10(a), th this section as a d	ne names of all partic efendant. Add a se	es must appear in the caption. eparate sheet, if necessary.
1. A \\ 2. \\ 3. \\ \(\)	Justic Rock 3 Dage RS	1 10x	4. <u>Zac</u> 5. <u>3</u> 6. <u>8</u>	2 Maga 3 Dodge 2 tevrille	rol Ny 14068
		T OF JURISDICTIO All of these sections I	MUST be answe	red	
Identify the parties resi federal law	basis for federal Court jurisdiction de in different states and therefoo	on over your claim, such re you claim diversity ju	as that the United risdiction, or the d	States government i claim presents a fed	's a party to the action, all the eral question or arises under
A. Basis o	of Jurisdiction in Federal Cou	rt: Fiden C	lustr.		
in the 17 w	the Western District of New York is esternmost counties of New York in for Venue in the Western Di	State.	is action, such as	that your claim aris	es in or the defendant resides
	nature of this action, such as that hatever it is.	it is a civil rights claim,	a personal injury o	r personal property	(tort) claim, a property rights

2. DADTHES TO THIS ACTION
3. PARTIES TO THIS ACTION
PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.
Name of First Plaintiff:
Present Address: US Market Charles (1914)
+16-90 F-500 F
Name of Second Plaintiff:
Present Address:
DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.
Name of First Defendant: A Wentic Recover 50/0 FM
Official Position of Defendant (if relevant):
Address of Defendant: 33 Dodge RV # VOS GolzVI
NY 14068
700
Name of Second Defendant:
Official Position of Defendant (if relevant): Address of Defendant: 33 WWW ND HOW COAT VII
Address of Defendant: 33 Dodge 100 H 108 Gata VIII
NY 19068
Name of Third Defendant:
Official Position of Defendant (if relevant):
Address of Defendant:
4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT
A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action? Yes No
If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.
1. Name(s) of the parties to this other lawsuit:
Plaintiff(s):

•	Defendant(s):			
2.	ourt (if federal court, name the district; if state court, name the county):			
3.	Docket or Index Number:			
4.	Name of Judge to whom case was assigned:			
5.	The approximate date the action was filed:			
6.	What was the disposition of the case? Is it still pending? Yes No.			
	If not, give the approximate date it was resolved			
	Disposition (check those statements which apply):			
	Dismissed (check the statement which indicates why it was dismissed):			
	By court <i>sua sponte</i> as frivolous, malicious or for failing to state a claim upon which relief can be granted; By court for failure to prosecute, pay filing fee or otherwise respond to a court order; By court due to your voluntary withdrawal of claim;			
•	Judgment upon motion or after trial entered for plaintiff defendant.			
	5. STATEMENT OF CLAIM			
Ple: you	ase note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.			
enti	I.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is itled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice nat which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).			
Fed whi	I.R.Civ.P. 10(b) states that "[a]ll averments of claim shall be made in numbered paragraphs, the contents of each of ich shall be limited as far a practicable to a single set of circumstances."			
	FIRST CLAIM: On (date of the incident) Supply Suppl			

did the following to me (briefly state what each defendant named above did):
me in front of other employees
denice doctors noteto work from home.
The federal basis for this claim is: RACE, D. Tarining at on and Bullying
State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes: ANN MEDAMAGE for Himsed 10 ssed and pain and suffering and mental distress
B. SECOND CLAIM: On (date of the incident), defendant (give the name and (if relevant) position held of each defendant involved in this incident)
did the following to me (briefly state what each defendant named above did):
The federal basis for this claim is:
State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:
If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

	ested by you in each statement of claim above.
Do you want a jury trial? Yes No	the Comments of the top and appropri
Executed on (date)	ne foregoing is true and correct.
NOTE: Each plaintiff must sign this complaint an	nd must also sign all subsequent papers filed with the Court.
	Signature(s) of Plaintiff(s)

UNITED STATES DISTRICT COURT

for the

Torya Maye (Plaintiff(s) v. Civil Action No.			
Atlantic Recovery Solutions Defendant(s)			
SUMMONS IN A CIVIL ACTION			
To: (Defendant's name and address) Atlantic Recovery Solutions 33 Dodge Rd #108, Getz Ville, NY 14068			
A lawsuit has been filed against you.			
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Where the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Where the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:			
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.			
CLERK OF COURT			
Date: Signature of Clerk or Deputy Clerk			

- EEOC Form 161-B (01/2022)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

o: Ms. Tonya Maye PO Box 117 CHEEKTOWAGA, NY 14225

From:

Buffalo Local Office 300 Pearl St, Suite 450 Buffalo, NY 14202

EEOC Charge No. 525-2022-00061

EEOC Representative

Charlene McKinnon,

Investigator

Telephone No.

7164315009

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Maureen C. Kielt Digitally signed by Maureen C. Kielt Date: 2022.04.25 16:53:31 -04'00'

Enclosures(s)

Maureen C. Kielt, Director Buffalo Local Office

c: Sarene Nastevski
ATLANTIC RECOVERY SOLUTIONS LLC
zaga@atlanticrecoverysolutions.com
Justin S White
LAW OFFICE
jwhite@sbwattorneys.com

Enclosure with EEOC Form 161-B (01/2022)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court <u>under Federal law</u>.

If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 – not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do <u>not</u> relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Case 1:22-cv-00565-LJV Document 1 Filed 07/21/22 Page 9 of 9

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS —	Tonyal-Maye	DEFENDANTS Atlantic Recovery Solution
(b) County of Residence of	E & S &	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
(c) Attorneys (Firm Name,	Address, and Telephone Number)	Attorneys (If Known) - Justin S. White 5662 Main St, William sville, NY 14221 716-631-2100
II. BASIS OF JURISD	ICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plainti
U.S. Government Plaintiff	Federal Question (U.S. Government Not a Party)	(For Diversity Cases Only) PTF DEF Citizen of This State DEF DEF DEF
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State 2 1 Incorporated and Principal Place 5 5 5 of Business In Another State
		Citizen or Subject of a 3 5 Foreign Nation 6 6 Foreign Country
	Γ (Place an "X" in One Box Only)	Click here for: Nature of Suit Code Descriptions.
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgmen 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury Medical Malpractice PERSONAL INJU Pharmaceutical Personal Injury Product Liability PERSONAL INJU Pharmaceutical Personal Injury Product Liability 368 Asbestos Person Injury Product Liability PERSONAL PROPE 370 Other Fraud 371 Truth in Lendin Property Dama 385 Property Dama 385 Property Dama Product Liability	A 22 Appeal 28 USC 158 375 False Claims Act 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 430 Corrupt Organizations 440 Corrupt Organizations 440 Corrupt Organizations 440 Corrupt Organizations 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit (15 USC 1681 or 1692) 485 Telephone Consumer Protection Act 480 Cable/Sat TV 480 Cable
	emoved from 3 Remanded from Appellate Court	4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 5 Multidistrict Litigation - Direct File
VI. CAUSE OF ACTI	17.41P. (11) of the	
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	ON DEMAND \$ 35, 000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No
VIII. RELATED CAS IF ANY	(See instructions): JUDGE	DOCKET NUMBER
DATE	SIGNATURE OF A	ATTORNEY OF RECORD
FOR OFFICE USE ONLY		
RECEIPT# A	MOUNT APPLYING IF	PJUDGEMAG. JUDGE